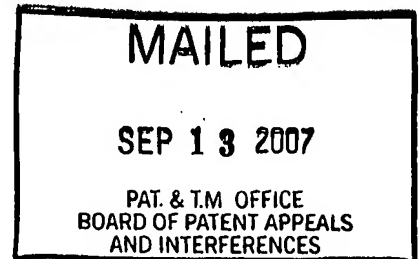


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCE

Ex parte: MARTIN C. BAKER, FEDERICO RENTERIA,
THOMAS M. HUGHES, and CLYDE R. TAYLOR

Appeal 2007-2618
Application 10/713,178



ORDER REMANDING TO THE EXAMINER

This Image File Wrapper (IFW) application was electronically received at the Board of Patent Appeals and Interferences on May 24, 2007, a docketing Notice was mailed and Appeal Number 2007-2618 was assigned. A review of the application has revealed that the application is not ready for consideration of the appeal, therefore, the application is being remanded to the Examiner. The matter requiring attention is identified below.

On February 7, 2006, the Examiner entered a Final Rejection. On September 25, 2006, Appellants filed an Appeal Brief. On December 19, 2006, the Examiner mailed an Examiner's Answer in response to Appellants' Appeal Brief. On page 3 of the Appellants' Appeal Brief, under the heading entitled "Ground of Rejection to be Reviewed on Appeal." Appellants included claims 15-17 in the rejection under § 103 as being unpatentable over Ungar, Messer Griesheim GMBH, and Mitsubishi Electric Corp. On page 2 of the Examiner's Answer, section (6) under the heading of "Grounds of Rejection to be Reviewed on Appeal," the Examiner states that "[t]he Appellant's statement of the grounds of rejection to be reviewed on appeal is correct." However, on page 4 of the Examiner's Answer, the Examiner maintains his rejection to claims 5-11 and 19-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Amada, Ungar, Messer Griesheim GMBH, and Mitsubishi Electric Corp.

It is not clear from the record as to which rejection is proper. Clarification from the Examiner is required.

Accordingly, it is ORDERED that the application is remanded to the Examiner to resolve the following issues:

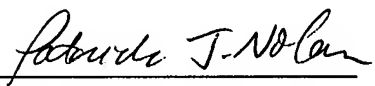
- 1) to clarify the proper rejection of the claims on appeal;

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2) to notify Appellants in writing as to the proper rejection of claims on appeal; and

3) for such action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES


PATRICK J. NOLAN
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PJN/pgc

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